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ATTORNEYS AT LAW SINCE 1895

David C. Hook, Esquire
Hook & Hook
189 West High Street
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January 19, 2006

Re: Consolidation Coal Company, et al. v. Roy Brendel and Diane Brendel,
et al. - C. A. No. 00-2120

Dear David:

I have your letter of January 13 and Lauren Rushak, on my behalf, has agreed to February 8 and 9 for the Brendels' depositions.

I think it would be helpful if you produced the documents a few days in advance. That could most likely cut the deposition time down significantly rather than having us play with the documents and have to review them at the deposition. We would be very happy to pick them up.

I note that you are going to answer the amended complaint the day after the depositions. I trust your answer to the amended complaint will not bring up any new matters that could have been the subject matter of inquiry at the depositions on February 8 or 9. If you are going to file the answer the next day, it will probably be ready before the 10th. Please give us your thoughts on this.

As to the third paragraph of your letter, there is nothing in the federal rules which requires consultation with counsel prior to scheduling a deposition. The practice here in Allegheny County, as I follow it, is that you can either make the call in advance if you wish, or first file the notice and then be generous in allowing for alternative dates. I followed the second practice and, indeed, have been very generous in allowing the extension of time for anything and particularly for deposition dates.

Thank you for agreeing to send us the medical authorizations.

Pittsburgh

Philadelphia

Princeton

Wheeling

Very truly yours,

A handwritten signature in black ink, appearing to read "J. Katarincic".
Joseph A. Katarincic

JAK/mlm

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